

Message Text

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ACTION VO-03

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC PRIORITY 7252

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FOR: SCA/VO

EO 11652: N/A

TAGS: SREF, CVIS, CI: (FERNANDO ARTURO LEIVA JAUNEZ)

SUBJECT: REFUGEE AND MIGRATION AFFAIRS: PAROLE OF CHILEAN
DETAINEES AND REFUGEES (LEIVA JAUNEZ, FERNADO ARTURO) S-149
(SECURITY ADVISORY OPINION)

1. DR. LEIVA WAS ARRESTED SEPT 23, 1975 FOR ESTABLISHING
CLANDESTINE CLINICS TO TREAT MEMBERS OF THE LEFTIST REVOLUTIONARY
MOVEMENT (MIR). HE WAS FURTHER ACCUSED OF COLLECTING MEDICAL
PROVISIONS TO EQUIP THESE CLINICS AND OF BEING A MEMBER OR
AFFILIATED WITH MIR. HE WAS A MEMBER OF THE MEDICAL STAFF
APPOINTED TO CARE FOR PRESIDENT ALLENDE.

2. DURING HIS INTERVIEW, DR. LEIVA DENIED MEMBERSHIP WITH
THE MIR AND THE INTERVIEWING CONSULAR OFFICER BELIEVES HIM.
HE EXPRESSED AN AFFINITY TOWARD LEFTIST FORM OF GOVERNMENT.
HE HAS HELD THIS BELIEF SINCE 1944. HE CLAIMS THAT HE ONLY
HAD CONTACT WITH MIR ON TWO OCCASIONS: A MIR MEDICAL STUDENT
CAME TO HIM FOR A LIST OF INSTRUMENTS NECESSARY TO ESTABLISH
A MINOR SURGERY UNIT FOR EMERGENCY TREATMENT OF FELLOW
MIRISTAS IN HIDING; HE GAVE TECHNICAL MEDICAL ADVICE ON
ANOTHER OCCASION. IN BOTH INSTANCES, HE WAS AWARE THAT PERSONS
INVOLVED WERE MIRISTAS. THIS IS ALL HE ADMITS TO. HE DENIES
TREATING MIRISTAS AND HE DENIES SETTING UP CLINICS AS ACCUSED.
THE INTERVIEWING CONSULAR OFFICER WHO SPOKE TO HIM ON TWO
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OCCASIONS BELIEVES THAT HE IS NOT TELLING ALL THAT HE WAS

INVOLVED IN, FOR OBVIOUS REASONS -- HE WANTS TO GET OUT OF JAIL. WE HAVE NO WAY OF PROVING IF HE DID, INDEED, SET UP CLANDESTINE CLINICS TO AID WOUNDED MIRISTAS. WE ONLY HAVE HIS DENIAL ON ONE HAND AND ON THE OTHER HAND, GOC SOURCES WHICH SAY THAT HE DID. WE CAN PRESUME THAT IF GOC OFFICIALS DID FIND CACHE OF INSTRUMENTS AS THEY CLAIM THIS WOULD BE SUFFICIENT EVIDENCE TO CAUSE HIM TO BE TRIED. THIS HAS NOT HAPPENED. WE MUST PRESUME THAT HE WAS TRUSTED BY MIR. IF NOT, THE MEDICALL STUDENT WOULD NOT HAVE ENLISTED HIS AID. WE CANNOT DETERMINE THAT HE WAS A MEMBER OF THE EXTREMIST FACTION OF THE SOCIALIST PARTY SOLELY BY THE FACT THAT HE WAS CHOSEN TO BE PART OF THE TEAM TO CARE FOR ALLENDE. IT CAN BE PRESUMED THAT HE WAS TRUSTED BY UP OR HE WOULD NOT HAVE BEEN INVITED TO BE A PART OF THE GROUP. IF HE WAS OF THE EXTREMIST FACTION, IT WOULD GIVE CREDENCE TO HIS ALLEGED SYMPATHY AND PERHAPS AFFILIATION WITH THE MIR. (HE ALLEGES THAT HE WORKED FOR THE MEDICAL TEAM ONE MONTH AND WHEN POLITICS ENTERED IN, HE RESIGNED.)

3. THE EMBASSY ASKS THE DEPT'S OPINION AS TO WHETHER DR. LEIVA'S ASSOCIATION AND ASSISTANCE TO THE MIR AS STATED ABOVE CAN BE CONSIDERED GIVING "SUPPORT" TO THAT ORGANIZATION AS DEFINED 22 CFR 41.91 (A)(28)1.3. SUCH SUPPORT WOULD ESTABLISH DR. LEIVA'S AFFILIATION WITH MIR WHICH WOULD MAKE HIM INELIGIBLE FOR PAROLE UNDER SECTION 212(A)(28) OF INA. THE COUNTER ARGUMENT IS THAT HIS ACTIONS WERE MOTIVATED BY PROFESSIONAL ETHICS WHICH WOULD CHARGE HIM TO HELP THOSE IN NEED REGARDLESS OF THEIR POLITICAL ACTIVITIES.
POPPER

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